

By: Coleman

H.B. No. 4468

A BILL TO BE ENTITLED

AN ACT

relating to county criminal justice reform.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 511.009(a)(23)(A), Government Code, is amended to read as follows:

(A) give prisoners the ability to access a mental health professional at the jail or through a telemental health service 24 hours a day, or if a mental health professional is unavailable at the jail or through a telemental health service, provided for a prisoner to be transported o access a mental health professional;

SECTION 2. Chapter 511.019(d), Government Code, is amended to read as follows:

(d) The commission by rule may establish a grant program to provide grants to counties to fund capital improvements described by Subsection (c). The commission may only provide a grant to a county for capital improvements to a county jail with a capacity of not more than 288 ~~96~~ prisoners.

SECTION 3. Section 539.009, Government Code, is added to read as follows:

Sec. 539.009. MATCH. A community that receives a grant under this section is required to leverage funds in an amount:

(a) equal to 25 percent of the grant amount if the community mental health program is located in a county with a population of

1 less than 250,000; and

2 (b) equal to 100 percent of the grant amount if the
3 community mental health program is located in a county with a
4 population of at least 250,000.

5 SECTION 4. Section 531.0972, Government Code, is amended to
6 read as follows:

7 Sec. 531.0972. [~~PILOT~~] PROGRAM TO PREVENT [~~THE~~] SPREAD OF
8 CERTAIN INFECTIOUS OR COMMUNICABLE DISEASES. The Department of
9 State Health Services [~~commission~~] ~~may~~ shall provide guidance to
10 the counties and municipalities that establish [~~local health~~
11 ~~authority of Bexar County in establishing~~] a [~~pilot~~] program under
12 Subchapter K, Chapter 81, Health and Safety Code, [~~funded by the~~
13 ~~county]~~ to prevent the spread of HIV, hepatitis B, hepatitis C, and
14 other infectious and communicable diseases. The program may include
15 a disease control program that provides for the anonymous exchange
16 of used hypodermic needles and syringes.

17 SECTION 5. Chapter 81, Health and Safety Code, is amended by
18 adding Subchapter K to read as follows:

19 SUBCHAPTER K. PROGRAM TO REDUCE RISK OF CERTAIN COMMUNICABLE
20 DISEASES

21 Sec. 81.501. DEFINITIONS. In this subchapter:

22 (1) "Organization" means an entity authorized by a
23 county or municipality to operate a program under this subchapter.

24 (2) "Program" means a program established under this
25 subchapter to control through needle exchange the spread of HIV,
26 hepatitis B, hepatitis C, or other infectious and communicable
27 diseases.

1 Sec. 81.502. AUTHORITY TO ESTABLISH PROGRAM. (a) An
2 organization may operate a program in a county or municipality in
3 which a public health emergency as described by Subsection (b) is
4 declared by the commissioner.

5 (b) The commissioner may declare a public health emergency
6 in a county or municipality if a county or municipality
7 demonstrates that:

8 (1) HIV, hepatitis B, hepatitis C, or other infectious
9 and communicable diseases exists in the county or municipality;

10 (2) a cause of the transmission of HIV, hepatitis B,
11 hepatitis C, or other infectious and communicable diseases is
12 intravenous drug use; and

13 (4) a needle exchange program is an appropriate
14 component of a comprehensive response to the epidemic.

15 (c) To request the department declare a public health
16 emergency, the commissioners court of a county or the governing
17 body of a municipality shall:

18 (1) conduct a public hearing and allow public
19 testimony on HIV, hepatitis B, hepatitis C, or other infectious and
20 communicable diseases in the county or municipality;

21 (2) issue an order requesting the department to
22 declare a public health emergency in the county or municipality
23 with facts supporting the declaration; and

24 (3) submit to the department an official request and
25 supporting evidence for the department to declare a public health
26 emergency in the county or municipality.

27 (d) On receipt of a request by a county or municipality to

1 declare a public health emergency under this subchapter, the
2 commissioner shall:

3 (1) approve, deny, or request additional information
4 from the county or municipality concerning the request not later
5 than the 10th day after the date the request is received by the
6 department; or

7 (2) if additional information is requested by the
8 department, approve or deny a request not later than the 10th day
9 after the additional information is received.

10 (e) A public health emergency declared under this section
11 remains in effect until the first anniversary of the date the
12 emergency is declared.

13 (f) The commissioner may extend a declaration of a public
14 health emergency at the request of the county or municipality that
15 is the subject of the declaration.

16 Sec. 81.503. REGISTRATION REQUIRED. An organization shall
17 register with the department and the county or municipality in
18 which the organization is applying to operate a program to
19 distribute hypodermic needles and syringes for the purpose of
20 controlling the spread of HIV, hepatitis B, hepatitis C, or other
21 infectious and communicable diseases. The department, county, or
22 municipality may charge a reasonable fee for registration under
23 this subchapter to pay for oversight functions, including
24 coordination with law enforcement personnel.

25 Sec. 81.504. PROGRAM OPERATION. A qualified organization
26 that is registered to provide a program in a county or municipality
27 shall:

1 (1) operate the program in a manner consistent with
2 public health and safety and under the supervision of a physician,
3 physician assistant, or nurse licensed to practice in this state;

4 (2) ensure the program is appropriate and part of a
5 comprehensive public health response;

6 (3) provide for the anonymous exchange of used
7 hypodermic needles and syringes for an equal number of new
8 hypodermic needles and syringes; and

9 (4) provide:

10 (A) education and training on responding to and
11 treating a drug overdose, including the administration of an
12 overdose intervention drug;

13 (B) information on options for drug
14 rehabilitation treatment; and

15 (C) assistance to program participants with
16 obtaining drug rehabilitation treatment, including treatment
17 programs located in the county or municipality in which the program
18 operates and treatment programs that offer medication-assisted
19 treatment using a medication that is:

20 (i) approved by the United States Food and
21 Drug Administration for use in opioid or alcohol dependence
22 treatment; and

23 (ii) long-acting and nonaddictive.

24 Sec. 81.505. DISTRIBUTION OF NEEDLES AND SYRINGES TO
25 PROGRAM. A person licensed as a wholesale drug distributor or
26 device distributor under Chapter 431 may distribute hypodermic
27 needles and syringes to a program authorized by this subchapter.

1 Sec. 81.506. HANDLING OF NEEDLES AND SYRINGES. (a) An
2 organization operating a program authorized by this subchapter
3 shall store hypodermic needles and syringes in a proper and secure
4 manner. Only authorized employees or volunteers of the program may
5 have access to the hypodermic needles and syringes. The hypodermic
6 needles and syringes may be included in packaged safe kits made
7 available to program clients through the program. Program clients
8 may obtain hypodermic needles and syringes and safe kits only from
9 an authorized employee or volunteer of the program.

10 (b) An organization operating a program authorized by this
11 subchapter shall store and dispose of used hypodermic needles and
12 syringes in accordance with applicable state laws and
13 administrative rules governing the safe and proper disposal of
14 medical waste.

15 Sec. 81.507. REQUIRED REPORTING BY ORGANIZATION. (a) An
16 organization operating a program under this subchapter shall submit
17 to the department a quarterly report that provides:

18 (1) the number of individuals served by the
19 organization each day;

20 (2) the number of hypodermic needles and syringes
21 collected by the organization each day;

22 (3) the number of hypodermic needles and syringes
23 distributed by the organization each day; and

24 (4) other information the department determines
25 necessary.

26 (b) The information required under Subsection (a) must
27 include the zip code of each location where the program distributed

1 or collected hypodermic needles and syringes.

2 Sec. 81.508. REVOCATION. If an organization fails to
3 comply with the requirements of this subchapter, the commissioners
4 court of the county or the governing body of the municipality in
5 which the organization is operating or the department may revoke
6 the organization's registration and authorization to operate a
7 program.

8 Sec. 81.509. USE OF STATE FUNDS. State funds may not be
9 used to purchase hypodermic needles or syringes under this
10 subchapter.

11 Sec. 81.510. DEPARTMENT REPORT. The department shall
12 annually submit to the legislature a report on:

13 (1) the effectiveness of the program;

14 (2) the program's impact on reducing the spread of HIV,
15 hepatitis B, hepatitis C, and other infectious and communicable
16 diseases; and

17 (3) the program's effect on intravenous drug use in the
18 area served by the county or municipality.

19 SECTION 6. Section 481.125, Health and Safety Code, is
20 amended by adding Subsections (g), (h), (i), and (j) to read as
21 follows:

22 (g) Subsections (a) and (b) do not apply to a person who
23 dispenses or delivers a hypodermic needle or syringe for a medical
24 purpose. For the purposes of this subsection, "medical purpose"
25 includes the exchange of a hypodermic needle or syringe for a used
26 hypodermic needle or syringe in a program described by Subchapter
27 K, Chapter 81.

1 (h) Subsections (a) and (b) do not apply to a person who
2 manufactures hypodermic needles or syringes for delivery to a
3 program described by Subchapter K, Chapter 81.

4 (i) Subsections (a) and (b) do not apply to a person who is
5 an employee, volunteer, duly authorized agent, or participant of a
6 program described by Subchapter K, Chapter 81, and uses, possesses,
7 or delivers a hypodermic needle or syringe as part of the program.

8 (j) A peace officer may not stop, search, or seize a person
9 or base probable cause solely because the person visits an
10 organization operating under Subchapter K, Chapter 81.

11 SECTION 7. The change to Section 481.125, Health and Safety
12 Code, made by this Act applies only to an offense committed on or
13 after the effective date of this Act. An offense committed before
14 the effective date of this Act is governed by the law in effect when
15 the offense was committed, and the former law is continued in effect
16 for that purpose. For purposes of this section, an offense is
17 committed before the effective date of this Act if any element of
18 the offense occurs before that date.

19 SECTION 8. Except as otherwise provided by this Act, this
20 Act takes effect September 1, 2019.